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OFFICE OF PETITIONS

In re :
Halstead, Jr. et al. : DECISION REGARDING
Application No. 09/759,697 : PATENT TERM ADJUSTMENT
Filed: January 21, 2001 :
Attorney Docket No. 09612.1028- :
01000 :
:

This decision is in response to the "NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT", filed October 31, 2007, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **two hundred sixty (260) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Office determined a patent term adjustment of three hundred forty-one (341) days based on an adjustment for PTO delay of six hundred twenty-three (623) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by sixty-four (64), thirty-nine (39), eighty-seven (87), and ninety-two (92) days of applicant delay, all pursuant to 35 U.S.C.

154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). All adjustments have been reviewed and determined to be correct.

However, a review of the file reveals that applicant should have been assessed additional delay on two separate occasions pursuant to 37 C.F.R. § 1.704(b). In the first instance, the Office mailed a final Office action on June 16, 2004. In response, Applicant filed an RCE on September 20, 2004. Accordingly, pursuant to § 1.704(b), four (4) days of Applicant delay should have been assessed.

In the second instance of delay under § 1.704(b), the Office mailed a final Office action on December 8, 2006. However, applicants did not file a reply until May 18, 2007 (made timely for purposes of avoiding abandonment by obtaining the appropriate extension of time). Accordingly, pursuant to § 1.704(b), seventy-one (71) days of Applicant delay should have been assessed.

Lastly, it is also determined that applicant should have been assessed delay for filing a supplemental paper pursuant to 37 C.F.R. § 1.704(c)(8). After applicant filed his May 18, 2007 reply, applicant filed a terminal disclaimer on May 24, 2007. Accordingly, applicant delay of six (6) days should have been assessed for this filing.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **two hundred sixty (260)** days (623 days of PTO delay, reduced by 363 (6+71+92+87+39+4+64) days of applicant delay).

No petition fee was required and none has been charged. The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enc: updated PALM screen


PALM INTRANET

 Day : Tuesday
 Date: 4/8/2008
 Time: 19:07:55

PTA Calculations for Application: 09/759697

Application Filing Date:	01/12/2001	PTO Delay (PTO):	623
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	282
Post-Issue Petitions:	0	Total PTA (days):	260
PTO Delay Adjustment:	-81		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
117	04/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		6	
116	04/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		71	
115	04/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		4	
108	10/19/2007	MAIL NOTICE OF ALLOWANCE			
107	10/18/2007	ISSUE REVISION COMPLETED			
106	10/18/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
105	10/18/2007	DOCUMENT VERIFICATION			
104	10/18/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
103	10/01/2007	NOTICE OF ALLOWABILITY			
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101	09/12/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
100	09/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
99	09/17/2007	DATE FORWARDED TO EXAMINER			
98	09/12/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
97	09/17/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
96	09/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
95	09/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
94	09/12/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
93	08/22/2007	FINISHED INITIAL DATA CAPTURE			
92	07/17/2007	EXPORT TO INITIAL DATA CAPTURE			

91	07/12/2007	MAIL NOTICE OF ALLOWANCE			
90	07/10/2007	ISSUE REVISION COMPLETED			
89	06/27/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
88	06/27/2007	DOCUMENT VERIFICATION			
87	06/27/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
86	06/11/2007	NOTICE OF ALLOWABILITY			
85	05/18/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
84	06/05/2007	PARALEGAL TD ACCEPTED			
83	05/24/2007	TERMINAL DISCLAIMER FILED			
82	05/18/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
81	05/18/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
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78	05/23/2007	DATE FORWARDED TO EXAMINER			
77	05/18/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
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75	05/18/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
74	05/23/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
73	05/18/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
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70	12/08/2006	MAIL FINAL REJECTION (PTOL - 326)			
69	12/06/2006	FINAL REJECTION			
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65	03/20/2006	MAIL NON-FINAL REJECTION			
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63	03/16/2006	DATE FORWARDED TO EXAMINER		
62	03/09/2006	SUPPLEMENTAL RESPONSE		
57	02/08/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED		
56	02/07/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)		
55	01/26/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)		
54	01/20/2006	CASE DOCKETED TO EXAMINER IN GAU		
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45	01/07/2002	REFERENCE CAPTURE ON IDS		
44	09/10/2003	REFERENCE CAPTURE ON IDS		
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34	11/01/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE		
33	11/01/2004	DATE FORWARDED TO EXAMINER		
32	09/20/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)		
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30.7	09/20/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	09/20/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	11/01/2004	CORRESPONDENCE ADDRESS CHANGE			
28	11/01/2004	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
27	02/02/2004	REFERENCE CAPTURE ON IDS			
26	07/07/2002	REFERENCE CAPTURE ON IDS			
25	01/27/2003	REFERENCE CAPTURE ON IDS			
24	09/20/2004	WORKFLOW INCOMING AMENDMENT IFW			
23	09/20/2004	WORKFLOW - REQUEST FOR RCE - BEGIN			
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20	05/18/2004	DATE FORWARDED TO EXAMINER			
19	04/29/2004	RESPONSE AFTER NON-FINAL ACTION		64	15
18	04/29/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
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16.7	02/02/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	02/02/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	11/25/2003	MAIL NON-FINAL REJECTION	623		-1
14	11/17/2003	NON-FINAL REJECTION			
13	10/27/2003	CASE DOCKETED TO EXAMINER IN GAU			
12.7	09/10/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	09/10/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	06/22/2003	CASE DOCKETED TO EXAMINER IN GAU			
10.7	01/27/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	01/27/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9.7	02/19/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	02/19/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	02/26/2002	CASE DOCKETED TO EXAMINER IN GAU			

7.7	01/07/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
7	01/07/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
6.7	12/26/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
6	12/26/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
5	03/26/2001	CASE DOCKETED TO EXAMINER IN GAU		
4	02/26/2001	APPLICATION DISPATCHED FROM OIPE		
3	02/22/2001	CORRESPONDENCE ADDRESS CHANGE		
2	01/31/2001	IFW SCAN & PACR AUTO SECURITY REVIEW		
1	01/12/2001	INITIAL EXAM TEAM NN		

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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